

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

XILONG ZHU,

Plaintiff,

v.

DEPARTMENT OF HOMELAND
SECURITY, et. al.,

Defendants.

Case No. C20-5818RSL

ORDER STAYING
LITIGATION AND
DENYING DEFENDANTS'
MOTION TO DISMISS

This matter comes before the Court on the parties' "Stipulated Motion to Stay Proceedings." Dkt. # 15. Defendants had previously filed a "Motion to Dismiss or in the Alternative, to Stay," Dkt. # 10, which the parties have stipulated can be denied as moot, without prejudice to defendants' right to refile the motion if and when the stay is lifted.

Based upon the parties' positions expressed in defendants' underlying motion to dismiss and plaintiff's response, respectively, the parties agree that a stay in proceedings is appropriate because plaintiff's claim in the above-captioned matter raises similar factual and legal issues to the claim in Dong v. Albence et al., Case No. 2:17-cv-2092-ES-JAD pending in the District Court for the District of New Jersey. See Dkts. # 10, # 14. Under the "first to file" rule, "when cases involving the same parties and issues have been filed in two different districts, the second district court has discretion to transfer, stay, or dismiss the second case in the interest of efficiency and judicial economy." Cedars-Sinai Med. Ctr. v. Shalala, 125 F.3d 765, 769 (9th Cir. 1997).


ORDER STAYING LITIGATION AND DENYING
DEFENDANTS' MOTION TO DISMISS - 1

1 IT IS HEREBY ORDERED that the parties' stipulated motion to stay (Dkt. # 15) is
2 GRANTED.

3 IT IS FURTHER ORDERED that within twenty (20) days of the resolution of the
4 overlapping issues in Dong, the parties shall file a joint status report with the Court.

5 IT IS FURTHER ORDERED that defendants' motion to dismiss (Dkt. # 10) is DENIED
6 as moot.

7 DATED this 21st day of December, 2020.

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11 Robert S. Lasnik
12 United States District Judge
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